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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,769

07/28/2003

Suresh Marisetty

042390.P7649C

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45209

7590

12/16/2009

INTEL/BSTZ

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EXAMINER

CHU, GABRIEL L

ART UNIT

PAPER NUMBER

2114

MAIL DATE

DELIVERY MODE

12/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/628,769	Applicant(s) MARISSETTY ET AL.	
	Examiner Gabriel L. Chu	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 101-104 is/are allowed.
- 6) ☒ Claim(s) 89-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. **Claim 89 rejected under 35 U.S.C. 103(a) as being unpatentable over US 5740357 to Gardiner et al. in view of US 5781750 to Blomgren et al. See previous action.**
3. **Claims 90-92 rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner and Blomgren as applied to claim 89 above, and further in view of US 5594905 to Mital. See previous action.**
4. **Claims 93, 94 rejected under 35 U.S.C. 103(a) as being unpatentable over US 5740357 to Gardiner et al. in view of US 5781750 to Blomgren et al. and Official Notice. See previous action.**
5. **Claims 95, 97 98 rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner and Blomgren and Official Notice as applied to claim 93, 94 above, and further in view of US 5594905 to Mital. See previous action.**
6. **Claim 96 rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner and Blomgren and Official Notice as applied to claim 94 above, and further in view of US 5787095 to Myers et al. See previous action.**
7. **Claim 99, 100 rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner, Blomgren, Official Notice, and Mital as applied to claim 98 above, and further in view of Official Notice. See previous action.**

Allowable Subject Matter

8. Claims 101-104 allowed.

Response to Arguments

9. Applicant's arguments filed 26 October 2009 have been fully considered but they are not persuasive.

10. Applicant complains (page 7) that Examiner does not address the second limitation of claim 89. Applicant will note that although the limitation was not duplicated in the body of the rejection, the limitation is essentially repeated in the third limitation, where it was addressed. However, even if it were not specifically mapped to the reference, mapping is provided as a convenience to Applicant, and understanding of the propriety of the rejection based on a reference lies with the Applicant and not a mapping.

11. Applicant argues (page 7-8) that a service element is on the right and a fault management section is on the left, drawing boxes around either and also referring to the Gardiner reference. While Examiner sees the delineation between elements of Gardiner, the point of the rejection is not that any one labeled element must correspond with Applicant's processor, but that Applicant has claimed a broad "processor", for which any requisite functionality, regardless of labeling or grouping, can satisfy. Here, Examiner points to an "entity" of Gardiner which comprises both a service element and fault management and still meets Applicant's broad "processor" language.

12. Applicant alleges (page 8) that Examiner indicates Gardiner as "describing the interface to a memory". As actually mapped by Examiner, Applicant will note that

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indicated that Gardiner describes an interface to an error handling routine, but not necessarily to memory, for which Blomgren was brought in to teach.

13. Applicant argues (page 9) that Blomgren “describes emulation which is not a set of procedures to access a processor”. Applicant merely claims that a memory store “a set of procedures to access the processor”. Blomgren, as cited, discloses procedures stored in a memory that allow a processor to be accessed, via emulation (i.e., routines that emulate CISC architecture using RISC instructions). Using such emulation, the RISC architecture of Blomgren's processor may be accessed. That is at least one such interpretation of the broad “procedures to access the processor” language. It should also be noted that Gardiner's entity has procedures to access itself.

14. Applicant argues (page 10) that Gardiner does not describe a processor attempting to correct a detected error. As shown above, Gardiner's entity does this.

Conclusion

15. This is the first respond to an RCE. All claims are drawn to the same invention claimed in the earlier paper and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier paper.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel L. Chu whose telephone number is (571) 272-3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gabriel L. Chu/

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Primary Examiner
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